

TITLE 4 CULTURAL RESOURCES
CHAPTER 51 MUSEUM OF NEW MEXICO
PART 1 GENERAL PROVISIONS

4.51.1.1 ISSUING AGENCY: Museum of New Mexico Board of Regents.
[4.51.1.1 NMAC - Rp, 4.51.1.1 NMAC, 12/12/17]

4.51.1.2 SCOPE: This rule applies to the board and the department.
[4.51.1.2 NMAC - Rp, 4.51.1.2 NMAC, 12/12/17]

4.51.1.3 STATUTORY AUTHORITY: Subsection G of Section 18-3-3 NMSA 1978.
[4.51.1.3 NMAC - Rp, 4.51.1.3 NMAC, 12/12/17]

4.51.1.4 DURATION: Permanent.
[4.51.1.4 NMAC - Rp, 4.51.1.4 NMAC, 12/12/17]

4.51.1.5 EFFECTIVE DATE: December 12, 2017, unless a later date is cited at the end of the section.
[4.51.1.5 NMAC - Rp, 4.51.1.5 NMAC, 12/12/17]

4.51.1.6 OBJECTIVE: This part defines the membership of the board of regents of the museum of New Mexico and the roles and duties of the board members.
[4.51.1.6 NMAC - Rp, 4.51.1.6 NMAC, 12/12/17]

4.51.1.7 DEFINITIONS: As used in this rule:

A. “Directors” means the directors of each of the six divisions of the department of cultural affairs that are part of the museum of New Mexico.

B. “Department” means the department of the cultural affairs.

C “Board” means the board of regents of the museum of New Mexico.

D. “Museum” means the museum of New Mexico.

E. “Executive assistant” means the person appointed by the board to perform administrative tasks for the board that is either an employee of the department or a contractor.

[4.51.1.7 NMAC - Rp, 4.51.1.7 NMAC, 12/12/17]

4.51.1.8 RULES AND PROCEDURES OF THE BOARD OF REGENTS:

A. Name: The name of the board is the museum of New Mexico board of regents.

B. Officers: At its annual meeting, the board shall elect officers consisting of a president, a vice president, and a secretary, who shall serve one-year terms or until the board elects successors.

(1) The president shall preside at all meetings of the board and shall perform all duties and exercise all powers usually pertaining to the office of president, including the appointment of committees and the delegation of authority to specific offices or board members.

(2) The vice president shall, in the absence or incapacity of the president, exercise all the powers and duties of the president.

(3) The secretary shall, in the absence or incapacity of the president and vice president, exercise all the powers and duties of the president. The secretary shall also work with the executive assistant to ensure that the board’s actions and documents are properly maintained, recorded, and retained. In particular, the secretary shall ensure that the executive assistant records the board’s meeting minutes and obtains proper signatures on legal documents. The secretary shall write a memo when all documents are received, certifying that the meeting file is complete.

C. Meetings:

(1) All meetings of a quorum of the members of the board shall be public meetings in accordance with the provisions of the Open Meetings Act (Sections 10-15-1 to 10-15-4 NMSA 1978).

(2) Annual meeting: The midsummer meeting is the board’s annual meeting.

(3) Regular meetings: Regular meetings shall be scheduled not less than once every two months.

(4) Special meetings: The president may call special meeting at any time for a stated purpose; the president shall call a special meetings if requested by any five board members.

(5) Quorum: A quorum of the board shall consist of five members.

(6) Agenda: Any member of the board may request inclusion of an item of business on the agenda in accordance with the Open Meetings Act constraints, or a member may introduce such items at the time of meeting in the appropriate order of business for discussion purposes only. Persons, not members of the board, desiring to be heard by the board may be placed on the agenda by notifying the executive assistant two weeks in advance of regular meeting; if this is not done, a majority vote of the members present will be required for the matter to be heard.

(7) Voting: All members of the board, including the presiding officer, shall have one vote. Proxy votes shall not be permitted. The majority vote of members present shall prevail.
[4.51.1.9 NMAC - Rp 4.51.1.10 NMAC & 4.51.1.11 NMAC, 12/12/17]

4.51.1.9 DUTIES AND RESPONSIBILITIES OF THE BOARD: The board shall perform and execute the powers and duties authorized to it under Section 18-3-3 NMSA 1978, or such other statutes that may apply and any additional responsibilities it designates for itself that are permitted by law. Among its duties, the board:

- A. shall elect from among its members a president and other officers deemed necessary by it;
- B. shall establish museum policy and determine the mission and direct the development of the museum;
- C. shall solicit funds for the purpose of developing, restoring and equipping the museum and its property and for the purchase of objects and works of art for its collections and for the development of exhibits and other public programs;
- D. shall exercise trusteeship over the collections of the museum;
- E. shall hold title to all property for museum use;
- F. shall review and have approval authority over permanent modifications to the real property to which it holds title and the architectural elements of the property, including but not limited to permanent changes to the interior and exterior of the museum's buildings and new permanent signage and permanent modifications to existing signage;
- G. shall acquire objects of historical, archaeological and ethnological interest and works of fine art, folk art and craft of interest to the public and real property for museum use or benefit by purchase, donation and bequest;
- H. shall adopt rules as appropriate governing:
 - (1) the loan of objects and exhibits to qualified institutions and agencies for the purpose of exhibition;
 - (2) gifts, donations or loans of exhibit or collection materials for the museum;
 - (3) the licensure of the museum's intellectual property; and
 - (4) other matters necessary to carry out the provisions of Chapter 18, Article 3 NMSA 1978;
- I. shall enter into leases with public or private agencies or organizations for the use of museum premises or facilities as appropriate for time periods that exceed 45 days;
- J. shall cooperate with other agencies and political subdivisions of municipal, state, tribal and federal governments and private organizations and individuals to the extent necessary to establish and maintain the museum and its programs;
- K. shall, subject to statutory provisions and excepting temporary statewide initiatives of the secretary of cultural affairs, impose admission fees to the museum facilities and programs;
- L. shall review annually the performance of the directors and report its findings to the secretary of cultural affairs;
- M. shall review and approve all proposed dispositions of property belonging to the museum or the state of New Mexico in the care and custody of the museum, which disposition shall thereafter take place in accordance with all appropriate law and regulations;
- N. shall know the programs and needs of the museum in relation to the state; keep abreast of standards and trends;
- O. are encouraged to attend regional, state and national meetings and workshops, and affiliate with the appropriate professional organizations when possible;
- P. shall establish good public relations for the museum in contacts with the community at large;
- Q. may request such financial information from the department as it deems necessary to serve as trustee to the museum's collections;

R. may request the directors to present at board meetings a report of the activities of their respective divisions subsequent to the previous board meeting, including proposed and projected plans of operation and a report of any proposed property dispositions;

S. may request that the secretary of cultural affairs furnish to the board copies of the state auditor's annual audit report of the department's books and records, and such interim or other reports;

T. may give the secretary of cultural affairs ex officio status on all committees of the board and any other committees created by the board, except for any board committee formed to recommend candidates for directors to the secretary of cultural affairs; and

U. may adopt a schedule of hours of operation and holiday closings for the museum, and any changes thereto, during a public meeting and shall post such schedule on its website.

[4.51.1.9 NMAC - Rp, 4.51.1.8 NMAC & 4.51.1.11 NMAC, 12/12/17]

4.51.1.10 THE MUSEUM OF NEW MEXICO:

A. Organization of the museum. The museum is a system of museums, historic sites, the laboratory of anthropology, the office of archeological services, the museum of New Mexico press, and archeological collections. By statute, it is divided into six divisions.

B. Property. The board may acquire and control real property and collections by purchase, donation, and bequest for museum use or benefit at any time. Responsibility for the administration of its holdings, in accordance with all appropriate state laws and regulations, rests with the museum.

[4.51.1.10 NMAC - Rp, 4.51.1.13 NMAC, 12/12/17]

HISTORY OF 4.51.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives under:

MD 75-1, Handbook of the Board of Regents of the Museum of New Mexico, 9/4/75.

MNM: No. 4, Open Meeting Notice, 9/14/81.

MNM: Rule No. 4, Open Meeting Notice Resolution, 10/29/84.

MNM: Rule No. 4, Open Meeting Notice Resolution, 6/10/86.

MNM: Rule No. 4, Open Meeting Notice Resolution, 2/26/88.

MNM: Rule No. 4, Open Meetings Resolution, 7/21/94.

MNM: Rule 7, Policy on Accreditation, 10/18/82.

MNM: Rule 12, Policy on Equal Opportunity/Affirmative Action, 10/18/82.

MNM: Rule 15, Policy on Handicapped Access, 10/20/82.

MNM: Rule No. 16, Policy on Hours and Seasons of Operation, 10/20/82.

MNM: Rule No. 16, Hours and Seasons of Operation, 6/11/85.

MNM: Rule No. 16, Hours and Seasons of Operation, 9/30/86.

MNM: Rule No. 16, Hours and Seasons of Operation, 5/27/88.

MNM: Rule No. 21, Policy on Public Access to Collections, 10/26/82.

MNM: Rule No. 22, Policy on Volunteers, 10/26/82.

MNM: Rule No. 35, Policy on Professional Associations and Meetings, 1/19/83.

MNM: Rule No. 41, Personnel Actions, 8/25/83.

MNM: Rule No. 49, Public Relations and Information, 4/5/84.

History of Repealed Material:

4.51.1 NMAC recompiled 10/31/01, repealed 12/12/17.